

By: González of Dallas

H.B. No. 657

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of certain evidence of intoxication in the prosecution of a criminal offense involving a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.51 to read as follows:

Art. 38.51. INTOXICATION EVIDENCE IN PROSECUTION OF OFFENSE INVOLVING MOTOR VEHICLE. (a) In this article:

(1) "Controlled substance" and "drug" have the meanings assigned by Section 481.002, Health and Safety Code.

(2) "Dangerous drug" has the meaning assigned by Section 483.001, Health and Safety Code.

(3) "Intoxicated" has the meaning assigned by Section 49.01, Penal Code.

(4) "Motor vehicle" has the meaning assigned by Section 32.34, Penal Code.

(b) Subject to Rule 403 of the Texas Rules of Evidence and except as provided by Subsection (c), in the prosecution of any offense involving a motor vehicle, a party may offer evidence as to all relevant facts and circumstances that would aid the trier of fact in determining whether the defendant was intoxicated at the time of the offense. Evidence offered under this article is admissible for any purpose other than to show the character of the defendant.

1        (c) In the prosecution of any offense involving a motor  
2 vehicle, only an analysis of a lawfully obtained specimen of the  
3 defendant's blood, breath, or urine or other bodily substance is  
4 admissible to show the defendant's alcohol concentration or the  
5 presence of a controlled substance, drug, dangerous drug, or other  
6 substance in the defendant's body at the time of the offense.

7        SECTION 2. The change in law made by this Act applies to the  
8 admissibility of evidence in a criminal proceeding that commences  
9 on or after the effective date of this Act. The admissibility of  
10 evidence in a criminal proceeding that commences before the  
11 effective date of this Act is governed by the law in effect on the  
12 date the proceeding commenced, and the former law is continued in  
13 effect for that purpose.

14        SECTION 3. This Act takes effect September 1, 2021.